

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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Ex parte RONALD L. SMITH;
LAVAUGHN F. WATTS, JR. and
THOMAS R. GRIMM

MAILED

MAR 16 2000

Appeal No. 1999-2042
Application No. 08/568,777

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ORDER REMANDING TO EXAMINER

An Extension of Time (Paper No. 12) and Reply Brief (Paper No. 13) were entered March 8, 1999 in response to an Examiner's Answer (Paper No. 11) entered December 21, 1998.

In accordance with the revision effective December 1, 1997, Title 37, *Code of Federal Regulations*, § 1.193 states:

(b)(1) . . . The primary examiner must either acknowledge receipt and entry of the reply brief or withdraw the final rejection and reopen prosecution to respond to the reply brief.

In view of this revision, the examiner must acknowledge receipt and entry of the reply brief. Otherwise, if the examiner chooses to respond to the arguments presented in the Reply Brief, the examiner needs to reopen prosecution in order to respond to the Reply Brief (Paper No. 13).

Appeal No. 1999-2042
Application 08/568,777

Accordingly, it is

ORDERED that the application is remanded to the examiner for consideration and proper response to Paper No. 13, and for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

A handwritten signature in black ink, appearing to read 'Dale M. Shaw', written over a horizontal line.

Dale M. Shaw
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